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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT SEATTLE

8                   MICHAEL MOI,

9                   Plaintiff,

10                  v.

11                  CHIHULY STUDIO, INC., *et al.*,

12                  Defendants.

No. C17-0853RSL

ORDER DENYING DEFENDANTS'  
MOTION FOR RETURN OF  
DOCUMENTS

This matter comes before the Court on the “Chihuly Defendants’ Motion for Order re Dale Chihuly’s Private Documents Retained by Plaintiff Moi.” Dkt. # 186. Defendants essentially seek summary disposition of their conversion counterclaim in which they allege that plaintiff “possesses personal and confidential private documents of Dale’s that he continues to hold despite Dale’s demand that they be returned.” Dkt. # 3 at ¶ 6. These assertions have not been proven. In fact, defendants opted to voluntarily dismiss the conversion counterclaim.

Defendants cannot obtain the relief requested simply by filing a motion untethered to any existing claim. The motion will therefore be DENIED. The Court notes, however, that the dismissal is without prejudice. If plaintiff or his agents have wilfully interfered with Mr. Chihuly’s right to his property without lawful justification, defendants are free to seek any and

1 all appropriate relief in another action.<sup>1</sup>

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3 Dated this 7th day of October, 2019.

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5 Robert S. Lasnik

6 United States District Judge

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23       <sup>1</sup> The Court has reviewed and considered the Declaration of Anne M. Bremner, plaintiff's first  
24 counsel in this matter. Dkt. # 192. Now that plaintiff's copyright claims have been dismissed and there  
25 is no plausible justification for needing to prove the nature of plaintiff's relationship with Mr. Chihuly,  
26 the Court expects that, in keeping with her excellent reputation for integrity and reasonableness, counsel  
will prevail upon her former client for permission to return any and all copies of the "sensitive  
documents" that she retains at this juncture.